

COLUMBIA SHUSWAP REGIONAL DISTRICT
HIGHWAY PLANNING AREA NO. 1 AMENDMENT
(DONALD DEVELOPMENT CORPORATION) BYLAW NO. 649-1

A bylaw to amend the "Highway Planning Area No. 1"

WHEREAS the Letters Patent of the Columbia Shuswap Regional District provides that from the 13th day of June, 1966 the regulations of the Highway Planning Area No. 1 remain in effect as if they were a zoning bylaw adopted pursuant to Part 26 of the Local Government Act;

AND WHEREAS the Board deems it appropriate to amend Highway Planning Area No. 1;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. TEXT AMENDMENT

- a. Throughout the body of the Bylaw, the word "interpretative" has been replaced with the word "Interpretive".
- b. Division (1) – General of "Highway Planning Area No. 1", is hereby amended as follows:

- i. By adding new Section 1.04, as follows:

"1.04 Pursuant to Bylaw No. 649-1 of the Columbia Shuswap Regional District, the area subject to the provisions of Highway Planning Area No. 1 is extended to apply to the entirety of a) Lot 2, Section 16, Township 29, Range 23, West of the 5th Meridian, Kootenay District Plan 11465 (PID: 008-262-519); and to a portion lying northeast of Donald Road of b) Block D, shown coloured pink on Plan 1717, of Legal Subdivisions 1, 2, 8 and 15, Sections 16 and 21, Township 29, Range 23, West of the 5th Meridian, Kootenay District, Except Plans 11465, R42, and NEP23756 (PID: 005-777-267)."

- c. Division (6) Penalty of regulations of "Highway Planning Area No. 1", is hereby amended by deleting Division (6) in its entirety, and replacing it with the following:

- i. "Division (6) Inspection and Contravention of Bylaw

6.01 Inspection

The Administrator, the Manager of Development Services, a Bylaw Enforcement Officer, those persons retained by the Regional District for inspection purposes, and Agents of the Regional District are authorized individually or in any combination to enter at all reasonable times on any parcel and into any building or structure to ascertain whether the provision of this bylaw are being observed.

6.02 Contravention of Bylaw

Every person who:

1. Contravenes this bylaw; or
2. Causes or permits any act or thing to be done in contravention of this bylaw; or
3. Neglects or omits to do any act or thing required by this bylaw; or
4. Fails to comply with an order, direction or notice given under this bylaw, or prevents or obstructs or attempts to obstruct the authorized entry of an officer onto the property under Section 2.01;
 - a. may be issued a ticket for any offence against this Bylaw that has been designated as a ticketable offence pursuant to the Regional District's municipal ticket information bylaw; and
 - b. is liable, upon conviction to the penalties prescribed by the Offence Act (British Columbia).

6.03 Offence

1. Each day of an offence under section 2.02 constitutes a new and separate offence.

6.04 Penalty

1. A person who is guilty of an offence is liable to the penalties stated in the Offence Act."

- d. Division (2) – Development Permits of regulations of "Highway Planning Area No. 1", is hereby amended by deleting Division (2) in its entirety, and replacing it with the following:

"Division (2) Development Permits

2.01 In regard to properties designated as a Development Permit Area under Section 3.01A, the following guidelines shall apply:

- .01 Landscaping shall be provided:
 - i. along property lines that are next to public areas;
 - ii. along the base of buildings that are seen from the public areas;
 - iii. between parking areas and public roads; and
 - iv. meet Ministry of Transportation Standards, particularly, BC Reg 513/2004, Provincial Public Undertakings, Regulation, Part 3.
- .02 Views from residential areas.
 - i. Landscaping and buffering are to be provided next to any adjacent residential area. The entire setback should be landscaped in trees and shrubs.
 - ii. Landscaped berms create a visual buffer. Even a small elevation change in the ground has an impact. Berms are encouraged especially where the creation of a visual screen effect is desired.
 - iii. Signage and lighting will be designed and installed to maintain the rural landscape and atmosphere and to minimize visual impacts from the highway.
- .03 Parking, vehicular traffic and waste collection areas.
 - i. Outdoor storage or waste collection areas shall be screened by fencing, hedging or landscaping.
 - ii. Where landscaping is adjacent to parking or vehicular traffic there shall be a concrete curb to protect the landscaping from damage.

- iii. In parking areas, landscape islands of trees and shrubs shall be used to visually break up large expanses of parking.
- iv. Parking area lighting to be ground-oriented to minimize light interference with night skies.
- .04 Existing Vegetation.
 - i. Integration with, or augmentation of, any existing landscaping is encouraged.
 - ii. Retention of existing trees and integrating them into the proposed site and landscape design is encouraged.
- .05 Standards.
 - i. Plant material must meet the BC Landscape Standard for size and leaf density. (The BC Landscape Standard is published jointly by the BC Society of Landscape Architects and the BC Landscape and Nursery Association).
 - ii. Low volume irrigation is encouraged.
 - iii. All trees must be staked in accordance with the BC Landscape standards.
- .06 Landscaping should not create blind spots, potential hiding places, or screen wildlife, particularly next to highways.
- .07 There may be a need to screen outdoor storage yards or noxious land uses.
- .08 Development shall be encouraged to implement strategies consistent with Bear Aware and Bear Smart programs.
- .09 Buildings shall create visual interest, using:
 - i. strong detailing in windows and doors,
 - ii. no large expanses of blank wall, and
 - iii. ground-oriented lighting highlighting significant building features like entrances, etc.
 - iv. pedestrian areas ie. Sidewalks to be lit by bollard installations to reduce overhead building attached lights.
- .10 Exemptions

A Development Permit must be approved before demolition of, construction of, addition to or alteration of a building or structure, except, a Development Permit is not required where:

 - i. Changes to a building or structure are internal alternations that do not affect the exterior of a building, the repair or replacement of roofing.
 - ii. The construction, alterations or additions of building are:
 - additions up to 200 m² in areas where the addition results in less than a 10% increase in floor area; or
 - minor external alterations that do not alter or affect parking requirements, required landscaping, access to the site, or the building footprint or have any significant impact on the character of the building; or
 - the construction or alterations in accessory buildings or structures are not in excess of 40 m² where the total floor area is no more than 10% of the main building, and, provided parking requirements, required landscaping, required environmental measures, access to the site, and the character of the site are not affected.

2.02 In regard to properties designated as a Development Permit Area under Section 3.01B, the following guidelines shall apply:

Riparian Areas Regulation (RAR) Development Permit Area

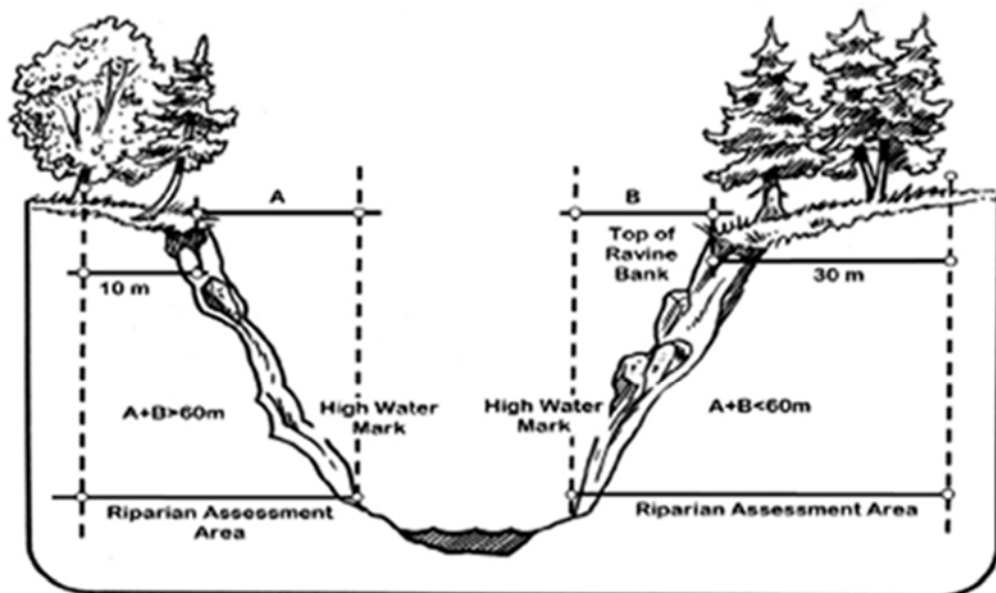
.01 The Riparian Areas Regulation (RAR) Development Permit Area (DPA) is designated under Local Government Act, and applicable provisions of the Community Charter for the protection of the natural environment, its ecosystems and biological diversity.

.02 The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

.03 The RAR DPA is comprised of Riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses.

- i. As illustrated in Figure 12.1, the area comprises of lands:
 - within 30 m of the high water mark of the watercourse,
 - within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide,
 - within 10 m of the top of a ravine bank 60 m or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse; and
 - Figure 12.1 illustrates the RAR DPA.

Figure 12.1: Riparian assessment area:



Source: British Columbia Ministry of water, Land & Air Protection, Riparian Areas Regulation Implementation Guidebook, March 2005

Note: Terms used in Figure 12.1 are defined in the referenced source.

- ii. Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be

determined accurately by survey in relation to the RAR DPA to determine whether a development permit application is required.

- iii. Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

.04 The RAR DPA Guidelines are as follows:

- i. a. Preservation of water courses, water bodies, and adjacent, natural features, functions and conditions of riparian areas that support fish and animal habitat is the primary objective of the RAR DPA;
- ii. Impacts to watercourses and riparian areas from proposed development are not desirable. Such impacts must be minimized to the greatest extent possible and addressed in a report from a QEP, including mitigative measures;
- iii. Disturbance of soils and removal of vegetation should be minimized in the development process;
- iv. Whenever possible development or land altering activities shall be located outside of the 30 m setback to the riparian area unless a QEP permits a reduced setback area;
- v. A RAR Development Permit is required, except where exempt for development or land alteration on land identified as a riparian assessment area within the RAR DPA. Development requiring a RAR Development Permit shall include, but may not be limited to, any of the following activities associated with or resulting from residential, commercial or industrial activities or ancillary activities, subject to local government powers under the Local Government Act:
 - Removal, alteration, disruption or destruction of vegetation within 30 m of a watercourse.
 - Disturbance of soils, within 30 m of a watercourse;
 - Construction or erection of buildings and structures within 30 m of a watercourse;
 - Creation of non-structural impervious or semi-impervious surfaces within 30 m of a watercourse;
 - Flood protection works within 30 m of a watercourse;
 - Construction of roads, trails, docks, wharves and bridges within 30 m of a watercourse;
 - Provision and maintenance of sewer and water services within 30 m of a watercourse;
 - Development of drainage systems within 30 m of a watercourse;
 - Development of utility corridors within 30 m of a watercourse; and
 - Subdivision as defined in the Land Title Act, and including the division of land into 2 or more parcels within 30 m of a watercourse.

.05 A RAR Development Permit may be issued once the following guidelines have been met:

- i. Assessment by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal Governments. The assessment report from a QEP shall be used to determine the conditions of the development permit and shall include:

- Site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features;
 - Existing vegetation and any proposed vegetation removal;
 - Assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
 - The suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
 - Potential impacts to other water courses or water bodies, e.g. Lake Revelstoke; and,
 - Recommendations and mitigative measures.
- ii. Provincial notification that a Qualified Environmental Professional has submitted a report certifying that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;
- iii. Written confirmation from the qualified professional that the Riparian Areas Regulation implemented through the RAR DPA does not supersede other federal, provincial and/or local government requirements, including that of other development permit areas, building permits, and flood covenants, federal or provincial authorization.
- .06 The RAR DPA does not apply to the following:
- i. Construction, alteration, addition, repair, demolition and maintenance of farm buildings;
 - ii. Clearing of land for agriculture;
 - iii. Institutional development containing no residential, commercial or industrial aspect;
 - iv. Reconstruction, alteration, addition or repair of a legal permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended into a riparian assessment area would a RAR DPA be required;
 - v. A QEP can confirm that the conditions of the RAR DPA have already been satisfied;
 - vi. A Development Permit for the same area has already been issued in the past and a QEP can confirm that the conditions in the Development Permit have all been met, or the conditions addressed in the previous Development Permit will not be affected; and,
 - vii. A letter is provided by a QEP confirming that there is no visible channel.

.07 The RAR regulations place considerable emphasis on QEP's to research and establish standards for the protection of riparian areas. It is the QEP's responsibility to consider federal and provincial regulations regarding fish, water and riparian protection and consult with appropriate agencies as necessary. Since the responsibility rests with the QEP for conducting research and providing technical information and recommendations specific to an application required

under this RAR DP section the extent to which the CSRD will be involved in the technical details of the permitting process is reduced. If the RAR DP guidelines are met by the QEP, and the QEP report is submitted to and accepted by the BC Ministry of Environment, the CSRD role becomes more administrative in nature and the DP can be considered for approval."

- e. Division (3) – Zoning of regulations of "Highway Planning Area No. 1", is hereby amended as follows:
 - i. Section 3.01 is amended by inserting the following "ZONE No. 9 (Donald Development Corporation) CD2A Comprehensive Development 2 Zone (Donald Development Corporation)." after "Zone No. 8 (interpretive Centre)".
 - ii. Section 3.01A is deleted in its entirety, and replacing it with the following:

"3.01A Zone No. 9 is designated a Development Permit Area under Section 488(1)(f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development, and are subject to the procedures contained within Development Services Procedures Bylaw No. 4001, as amended, as a Board Approved Permit."
 - iii. Section 3.01B is hereby added, as follows:

"3.01B Zone No. 9 is designated a Development Permit Area under Section 488(1)(a) protection of the natural environment, its ecosystems and biological diversity, and are subject to the procedures contained within Development Services Procedures Bylaw No. 4001, as amended, as a delegated Technical Development Permit."
 - iv. Section 3.03 is amended by inserting "or ZONE No. 9 (Donald Development Corporation)" before "are in Zone No. 1 (Rural)", and by deleting "or" before "Zone No. 8 (interpretive Centre)".
 - v. By inserting a new zone following Section 3.06 as follows:

" ZONE NO. 9 (DONALD DEVELOPMENT CORPORATION)

3.07 COMPREHENSIVE DEVELOPMENT 2 ZONE (CD2A)

INTENT

The intent of this zone is to provide for a full service, highway-commercial, and industrial, development. This zone will permit: a highway orientated travel centre, primarily to provide fuel sales and services for commercial and personal vehicles; and commercial floor space with upper floor residential units.

DEVELOPMENT AREAS

The Comprehensive Development 2 Zone (CD2A) is divided into 5 Development Areas.

DEVELOPMENT AREA 1–TRAVEL CENTRE (DA1)

3.07.01 Principal Uses

The *principal uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 1:

- (a) *Service Station*;
- (b) *Card-lock fuel dispensing facility*;
- (c) *Restaurant*;
- (d) *Truck Stop*;
- (d) *Pub*; and,
- (e) *Retail Store*.

3.07.02 Secondary Uses

The *secondary uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 1:

- (a) *Fuel storage*;
- (b) *Personal Services*;
- (c) *Car and Truck Wash*;
- (d) Commercial Vehicle Parking Area; and,
- (e) *Commercial Scale*.

3.07.03 Regulations

On an area zoned Comprehensive Development 2 Zone Development Area 1, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection and Part 3.07.27: Parking and Loading Regulations.

Column 1 Matter Regulated	Column 2 Regulation
(a) Minimum <i>parcel</i> size created by subdivision	4.8 ha
(b) Maximum <i>height</i> for: <ul style="list-style-type: none"> • <i>Principal buildings</i> • <i>Accessory buildings</i> • <i>Freestanding Sign</i> 	<ul style="list-style-type: none"> • 12.5 m • 10.0 m • 10.0 m
(d) Minimum <i>setback</i> from: <ul style="list-style-type: none"> • <i>Front parcel boundary</i> • <i>Interior side parcel boundary</i> • <i>Exterior side parcel boundary</i> • <i>Rear parcel boundary</i> 	<ul style="list-style-type: none"> • 6.0 m • 6.0 m • 6.0 m • 6.0 m
(e) Maximum <i>parcel coverage</i>	40%
(f) <i>Landscaped Area</i>	All required <i>setbacks</i> from <i>parcel boundaries</i> are to be landscaped, with adequate vegetation installed. No parking areas are permitted within the front parcel setback areas.
(g) Outdoor Storage	Outdoor storage is not to be located forward of the rear wall of a principal building and to be visually screened from adjacent <i>parcels</i> or <i>highways</i> with a minimum <i>screen</i> height of 2.2 m. Outdoor storage is to have a maximum <i>height</i> of no greater than 5.5 m.

DEVELOPMENT AREA 2—CARD LOCK FACILITY (DA2)**3.07.04 Principal Uses:**

The *principal uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 2:

- (a) *Service Station;*
- (b) *Card-lock fuel dispensing facility;*
- (c) *Restaurant;*
- (d) *Truck Stop;*
- (d) *Pub; and,*
- (e) *Retail Store.*

3.07.05 Secondary Uses:

The *secondary uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 2:

- (a) *Fuel storage;*
- (b) *Personal Services;*
- (c) *Car and Truck Wash;*
- (d) *Commercial Vehicle Parking Area; and,*
- (e) *Commercial Scale.*

3.07.06 Regulations:

On an area zoned Comprehensive Development 2 Zone Development Area 2, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection and Part 3.07.27: Parking and Loading Regulations.

Column 1 Matter Regulated	Column 2 Regulation
(c) Minimum <i>parcel</i> size created by subdivision	3.19 ha
(d) Maximum <i>height</i> for: <ul style="list-style-type: none"> • <i>Principal buildings</i> • <i>Accessory buildings</i> • <i>Freestanding Sign</i> 	<ul style="list-style-type: none"> • 12.5 m • 10.0 m • 10.0 m
(d) Minimum <i>setback</i> from: <ul style="list-style-type: none"> • <i>Front parcel boundary</i> • <i>Interior side parcel boundary</i> • <i>Exterior side parcel boundary</i> • <i>Rear parcel boundary</i> 	<ul style="list-style-type: none"> • 6.0 m • 6.0 m • 6.0 m • 6.0 m
(e) Maximum <i>parcel coverage</i>	40%
(f) <i>Landscaped Area</i>	All required <i>setbacks</i> from <i>parcel boundaries</i> are to be landscaped, with adequate vegetation to be provided. No parking areas are permitted within the front parcel setback areas.
(h) Outdoor Storage	Outdoor storage is not to be located forward of the rear wall of a principal building and to be visually screened from adjacent parcels or highways with a minimum screen height of 2.2 m. Outdoor storage is to have a maximum height of no greater than 5.5 m..

DEVELOPMENT AREA 3—COMMERCIAL/RESIDENTIAL (DA3)**3.07.07 Principal Uses:**

The *principal uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 3:

- (a) *Rental Shop*;
- (b) *Retail Store*;
- (c) *Office*
- (d) *Restaurant*; and,
- (e) *Personal Services*.

3.07.08 Secondary Uses:

The *secondary uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 3:

- (a) *Accessory Upper Floor Dwelling Unit*; and,
- (b) *Accessory Use*.

3.07.09 Regulations:

On an area zoned Comprehensive Development 2 Zone Development Area 3, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection and Part 3.07.27: Parking and Loading Regulations.

Column 1 Matter Regulated	Column 2 Regulation
(a) Minimum <i>parcel</i> size created by subdivision	0.2 ha
(b) Maximum <i>height</i> for: <ul style="list-style-type: none"> • <i>Principal buildings</i> • <i>Accessory buildings</i> • <i>Freestanding Sign</i> 	<ul style="list-style-type: none"> • 10.0 m • 10.0 m • 10.0 m
(c) Maximum Number of Upper Floor Dwelling Units	One
(d) Minimum <i>setback</i> from: <ul style="list-style-type: none"> • <i>Front parcel boundary</i> • <i>Interior side parcel boundary</i> • <i>Exterior side parcel boundary</i> • <i>Rear parcel boundary</i> 	<ul style="list-style-type: none"> • 6.0 m • 6.0 m • 6.0 m • 6.0 m
(e) Maximum <i>parcel coverage</i>	60%
(f) <i>Landscaped Area</i>	All required <i>setbacks</i> from <i>parcel boundaries</i> are to be landscaped, with adequate vegetation to be provided. No parking areas are permitted within the front parcel setback areas.
(i) Outdoor Storage	Outdoor storage is not to be located forward of the rear wall of a principal building and to be visually screened from adjacent parcels or highways with a minimum screen height of 2.2 m. Outdoor storage is to have a maximum height of no greater than 5.5 m.

DEVELOPMENT AREA 4—WASTEWATER TREATMENT AND DISPERSAL AREA (DA4)**3.07.10 Principal Uses:**

The *principal uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 4:

- (a) *Commercial Wastewater Treatment Facility*; and,
- (b) *Commercial effluent ground dispersal area*.

3.07.11 Secondary Uses:

The *secondary uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 4:

- (a) *Agriculture*

3.07.12 Regulations:

On an area zoned Comprehensive Development 2 Zone Development Area 4, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection and Part 3.07.27: Parking and Loading Regulations.

COLUMN 1 MATTER TO BE REGULATED	COLUMN 2 REGULATIONS
(a) Minimum <i>parcel</i> size created by subdivision	4.0 ha (9.88 ac)
(b) Maximum <i>building</i> and structure <i>height</i>	8.0 m (26.25 ft.)
(c) Minimum <i>setback</i> from: <ul style="list-style-type: none"> ▪ <i>front parcel boundary</i> ▪ <i>interior side parcel boundary</i> ▪ <i>rear parcel boundary</i> 	<ul style="list-style-type: none"> ▪ 8.0 m (26.25 ft.) ▪ 15.0 m (49.21 ft.) ▪ 9.0 m (29.52 ft.)

DEVELOPMENT AREA 5—AGRICULTURE/RESOURCE EXTRACTION (DA5)**3.07.13 Principal Uses:**

The *principal uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 5:

- (a) *Agriculture*;
- (b) *Single Family Dwelling*; and,
- (b) *Aggregate extraction*.

3.07.14 Secondary Uses:

The *secondary uses* stated in this subsection and no others are permitted in the Comprehensive Development 2 Zone Development Area 5:

- (a) *Accessory Use*.

3.07.15 Regulations:

On an area zoned Comprehensive Development 2 Zone Development Area 5, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection and Part 3.07.27: Parking and Loading Regulations.

COLUMN 1 MATTER TO BE REGULATED	COLUMN 2 REGULATIONS
(a) Minimum <i>parcel</i> size created by subdivision	53.87 ha (133.1 ac)
(b) Maximum <i>building</i> and structure <i>height</i>	8.0 m (26.25 ft.)
(c) Minimum <i>setback</i> from: <ul style="list-style-type: none"> ▪ <i>front parcel boundary</i> ▪ <i>interior side parcel boundary</i> ▪ <i>rear parcel boundary</i> 	<ul style="list-style-type: none"> ▪ 8.0 m (26.25 ft.) ▪ 15.0 m (49.21 ft.) ▪ 9.0 m (29.52 ft.)

COMPREHENSIVE DEVELOPMENT 2 ZONE SPECIAL REGULATIONS

3.07.16 ESTABLISHMENT OF FLOOD PLAINS

- (1) The following land is designated as flood plain:
 - (a) land lower than the flood construction level; and
 - (b) land within the flood plain setback.
- (2) The flood construction level is:
 - (a) 0.6 m above the current natural ground level;
 - (b) 1.5 m above the *natural boundary* of Colepitts Creek; and
 - (d) where more than 1 flood construction level is applicable, the higher elevation is the flood construction level.
- (3) The flood plain setback is:
 - (a) 15 m from the *natural boundary* of Colepitts Creek;
 - (b) 15 m from the *natural boundary* of any other *watercourse*; and
 - (c) where more than 1 flood plain setback is applicable, the larger distance is the flood plain setback.

3.07.17 MEASUREMENT OF FLOOD CONSTRUCTION LEVEL AND FLOOD PLAIN SETBACK

- (1) The flood construction level is determined by measuring at a 90° angle to the *natural boundary* to a point where the elevation is the required elevation above the *natural boundary*.
- (2) The flood plain setback is determined by measuring at a 90° angle to the *natural boundary* the distances stated in section 3.07.27(3).

3.07.18 APPLICATION OF FLOOD PLAINS

- (1) A *building*, including a manufactured home or structure must not be constructed, reconstructed, moved or extended within a flood plain setback.
- (2) The underside of a floor system or top of concrete slab that is used for habitation, business, or the storage of goods that are susceptible to damage by floodwater, must be above the flood construction level.

- (3) Where landfill or structural support or both are used to comply with subsection (2), they must be protected against scour and erosion from flood flows, wave action, ice and other debris and not extend within the flood plain setback.
- (4) Furnaces and other fixed equipment susceptible to damage by floodwater must be above the flood construction level.
- (5) The Manager of Development Services or their delegate requires that a *Surveyor Certificate* be submitted to them by the land and property owners to verify compliance with the flood construction level and flood plain setback specified in subsections 3.07.16.
- (6) The following are exempted from the regulations of section 3.07.18 (2) as they apply to the flood construction level:
 - (a) a renovation of an existing *building*, including a manufactured home or structure that does not involve an addition to the exterior of the *building*, manufactured home or structure;
 - (b) an addition to a building, manufactured home or structure of less than 25 percent of the floor area existing the date of coming into force of this bylaw. The addition must be no lower in elevation than the floor existing the date of coming into force of this bylaw. The distance from the building, manufactured home or structure to a water body or watercourse must not be decreased with respect to the floodplain setback; and,
 - (b) carport or domestic garage;
- (7) The following are exempted from the regulations of section 3.07.16 (2) and (3) as they apply to the flood construction levels and flood plain setbacks:
 - (a) a floating *building* or structure;
 - (b) a dock or wharf;
 - (c) a *fence* constructed of wood or wire through which water can flow freely;
 - (d) *flood proofing protection* works constructed to stabilize the shoreline of a *water body* or the banks of a *watercourse*;
 - (f) a roof overhang or cantilevered deck with no footings within the setback area;
 - (g) on-loading and off-loading facilities associated with water oriented industry and portable sawmills;
 - (h) ground level patios;
 - (i) detached *accessory building* that do not include *habitation*;
 - (j) exterior stairway not forming part of a *building* or attached in any way to another structure, provided it does not extend below the *parcel* boundary, or the *natural boundary*;
 - (k) electrical or mechanical equipment not susceptible to damage by floodwater; and,
 - (l) storage of goods not damageable by flood waters.

3.07.19 BARE LAND STRATA PLAN ACCESS ROUTE

- (1) Despite any other provision of this *bylaw*, for the purpose of a *setback*, a *highway* includes an access route within land subdivided as a bare land strata plan under the Strata Property Act.

3.07.20 SETBACK EXCEPTIONS

- (1) The following may be permitted in a required minimum front, rear or side *setback*:

- (a) fences, in compliance with the regulations set out in Section 3.07.21 Sight Triangles;
- (b) landscape retaining structures, provided that such structures must be separated from each other by a minimum 1.5 m distance measured horizontally from the face (or from the toe of the upper wall to the top face of the lower wall, if the landscape retaining structures are not vertical) of each landscape retaining structure and specifically excludes landscape retaining walls proposed to be constructed adjacent to a Section 42 road, as defined in the Transportation Act, or in the sight triangle. Landscape retaining structures proposed to be located adjacent to a Highway must comply with Ministry of Transportation and Infrastructure regulations and may require the approval of that Ministry.
- (c) landscaping features such as, but not limited to, manmade ponds or yard ornaments;
- (d) a utility pole, including a pole used for area lighting;
- (e) a structure entirely below *finished ground elevation*; and,
- (f) a driveway, walkway, and exterior stairway not forming part of a *building*.

3.07.21 SIGHT TRIANGLES

An owner, occupier or lessee of land at the intersection of any highway must not grow or place, or cause or allow to be grown or placed, within the sight triangle on that land, any signs or structures or trees or other plants, with horizontal dimension exceeding 0.6m, unless:

- (a) the person has the consent of the Minister of Transportation and Infrastructure to do so; or,
- (b) an eye 0.9 m above the surface elevation of one highway can, by looking directly over the sign or structure or tree or other plant, see an object 0.9 m above the surface elevation of the other highway.

3.07.22 HEIGHT EXCEPTIONS

- (1) The following may exceed the maximum *height* regulations of this *bylaw* by a maximum of 10%:
 - (a) chimney
 - (b) flag pole
 - (c) pole or similar structure used for area lighting; and
 - (d) water storage tank that is part of a *community water system*.
- (2) The following may exceed the maximum *height* regulations of this *bylaw*:
 - (a) antenna and support structures for the transmission and reception of radio frequencies: including but not limited to radio, television, short wave, amateur, citizen band and microwave;
 - (b) overhead crane or hoist used for manufacture of log *buildings*, storage or distribution of logs; and
 - (c) pole or similar structure used for telephone lines, electrical transmission lines, and cable television lines.

3.07.23 ACCESSORY BUILDING

- (1) An *accessory building* must be located on the same *parcel* as the *principal use* to which the *use* relates.
- (2) Must have no portion located beyond the front façade of the *principal building*.

3.07.24 ACCESSORY USE

- (1) An *accessory use* must be located on the same *parcel* as the *principal use* with which it relates.

3.07.23 OUTDOOR STORAGE

- (1) Except as permitted in a zone, a *parcel* must not be used for the outdoor storage of discarded materials, rubbish, offensive matter; nor for vehicle wrecking; nor the storage of a vehicle which has been without a license under the Motor Vehicle Act for more than two years, is not housed in a private garage or carport, and which is intended to be self-propelled but is not capable of locomotion under its own power.

3.07.25 SCREENING

- (1) Screening required by this *bylaw* must be constructed, erected, installed and planted by the owner of the *parcel* and the *screen* must be completed prior to the start of the *use* for which the *screen* is required and continue to be maintained thereafter.

3.07.26 SIGNAGE

- (1) All signs within each zone must comply with the following regulations, as well as those stated within the specific zoning regulations:
 - (a) there must be no third party advertising signs;
 - (b) each occupation is permitted one fascia sign located at the public entrance to the occupation;
 - (c) on multi tenant sites, no individual Freestanding signs will be permitted;
 - (d) all signage is to be subordinate to the architectural design of the *building*; and,
 - (e) all signage must be located on private property.

3.07.27 PARKING AND LOADING REGULATIONS

3.07.27.1 NUMBER OF PARKING AND LOADING STALLS

- (1) The number of *parking stalls* and *loading stalls* required for each *use* is set out in Table 1: Required Off-Street Parking Stalls and Off-Street Loading Stalls.
- (2) Where the calculation of the required number of *parking stalls* and *loading stalls* results in a fraction, one space must be provided for the fraction.
- (3) Where seating is the basis for calculating the number of *parking stalls* and *loading stalls*, each 0.5 m (1.64 ft.) of width on a bench, pew, booth or similar seating type, is one seat.
- (4) Where more than one *use* is located on a *parcel*, the total number of *parking stalls* and *loading stalls* required is the sum total of the requirements for each *use*.
- (5) Where more than one requirement applies to a *use*, the more stringent requirement applies.

3.07.27.2 PARKING STALLS

- (1) A *parking stall* must be a minimum of 16.5 m² (177.6 sq. ft.) in area, 3.0 m (9.8 ft.) wide, 5.5 m (18.1 ft.) long, have 2.2 m (7.2 ft.) overhead clearance and have a regular surface with a maximum slope of 8%. The maximum slope of 8% does not apply to a *single family dwelling* or *two family dwelling*.

3.07.27.3 LOADING STALL

- (1) A *loading stall* must be a minimum of 3.7 m (12.1 ft.) wide, 9.0 m (29.5 ft.) long, have 3.7 m (12.1 ft.) overhead clearance and have a regular surface with a maximum slope of 8%.

3.07.27.4 ACCESS PARKING AND LOADING STALLS

- (1) A *parking stall* and *loading stall* must be accessible from a driveway or other internal roadway which is connected to a *highway*. The minimum width of such drive aisles shall be 7.0 m, where parking stalls are perpendicular to the drive aisle. Lesser drive aisle widths may be considered where stalls are at an angle to the drive aisle.
- (2) Excepting the *parking stalls* for a *single family dwelling*, a *parking stall* and a *loading stall* must be constructed so as to permit unobstructed access to and egress from each space at all times without the need to move other vehicles.

3.07.27.5 LOCATION OF PARKING AND LOADING STALLS

- (1) a *parking stall* or *loading space* must be located on the same *parcel* as the *use* for which it is required.
- (2) a *parking stall* or *loading stall* must not be within the required *setback* from the *front parcel boundary*.
- (3) Access from a *highway* to a parking area or loading area must not be closer than 7.5 m (24.6 ft.) to the nearest point of intersection of two or more *highways*.

TABLE 1:
REQUIRED OFF-STREET PARKING STALLS AND OFF-STREET LOADING STALLS

Use	Minimum required number of off-street parking spaces	Minimum required number of off-street loading spaces
<i>Accessory Upper Floor Dwelling Unit</i>	2 stalls	
<i>Car and Truck Wash</i>	2 stalls	
<i>Commercial Scale</i>	2 stalls	
<i>Fuel Storage</i>	2 stalls	1 stall
<i>Office</i>	1 per 30 m ² of <i>floor area</i>	
<i>Personal Services</i>	1 stall for each 25m ² of <i>floor area</i>	
<i>Restaurants and/or Pub</i>	3 stalls plus 1 stall for each 10m ² of seating area	1 stall when the <i>floor area</i> of the <i>use</i> is greater than 500m ²
<i>Retail Store, Rental Shop</i>	1 stall for each 20m ² of <i>floor area</i>	1 stall when the <i>floor area</i> of the <i>use</i> is greater than 500m ²

<i>Service Station</i>	10 stalls plus 1 stall for each 20m ² of floor area	1 stall when the <i>floor area</i> of the <i>use</i> is greater than 500m ²
<i>Wastewater Treatment Facility</i>	1 stall	1 stall

"

- d. Division (5) – Definitions is deleted in its entirety, and a new Division (5) – Definitions is inserted as follows:

"

A

ACCESSORY BUILDING is a detached *building* ancillary to and exclusively devoted to a *principal use* or a *single family dwelling* and is used for an *accessory use* or where permitted, for a *home business*;

ACCESSORY UPPER FLOOR DWELLING UNIT is the *use* of land, *buildings* and structures for a *dwelling unit* that is accessory to the principal, non-residential *use* of a *parcel*, is located above the ground floor, and contains a separate entrance

ACCESSORY USE is the *use* of land, *buildings* and structures that is customarily ancillary to, and exclusively devoted to the *principal use* or a *single family dwelling*;

AGGREGATE EXTRACTION is the *use* of land and structures for the excavation and removal of aggregate resources from the earth and includes minor processing such as screening and stockpiling, but does not include washing or crushing.

AGRICULTURE is the *use* of land, buildings and structures for:

- (a) The growing, rearing, producing or harvesting of agricultural crops, fur bearing animals, poultry or other livestock;
- (b) Horse boarding and riding stables;
- (c) The storage of agricultural products harvested, reared or produced by the *agriculture use*;
- (d) The processing and sale of farm products provided at least 50% of the farm product grown or reared on the farm; and
- (e) The storage and repair of machinery, implements and supplies that are part of the *agriculture use*;

B

BUILDING is a temporary or permanent structure used or intended for supporting or sheltering a *use* or occupancy but does not include a *recreational vehicle* or a *Park Model*;

C

CAMPGROUND is the *use* of *buildings* and structures for *temporary* commercial accommodation in tents or recreational vehicles on camping spaces;

CAMPING SPACE is the *use* of land in a *campground* used for one *camping unit*;

CAMPING UNIT is one *recreational vehicle*, or one camping tent;

CAR AND TRUCK WASH is the *use* of land, *buildings* and structures for either automated remote, or hand-held coin-operated vehicle washing. Car and truck wash facilities must be designed so that oil and grease interceptors are installed to treat wastewater before discharge to either surface watercourses or groundwater;

CARD-LOCK FUEL DISPENSING FACILITY is the *use* of land, *buildings* and structures, where fuel, oil and other similar products used in the operation of truck engines are sold to account customers only via cardlock controllers.

COMMERCIAL is an occupation, service, employment or enterprise that is carried on for gain or monetary profit by any individual, business or organization

COMMERCIAL SCALE is the *use* of land, *buildings* and structures to provide accurate measurement of vehicle weight;

COTTAGE INDUSTRY means a *home occupation* located on a site of not less than 1 ha;

CONVENIENCE STORE is the *use* of land, *buildings* and structures for the retailing of merchandise inside a *building*, occupying a maximum *floor area* of 100 m² (but does not include a *restaurant*, motor vehicle facility of any kind or *service station*;

D

DENSITY is the number of *dwelling units* on a *parcel*, expressed in units per hectare or in units per *parcel*;

DWELLING UNIT is the *use* of 1 or more rooms in a *building* that constitute a single self-contained unit with a separate entrance, used together for living and sleeping purposes for not more than 1 *family*, containing 1 *kitchen*, and living, sleeping and bathroom facilities with a water closet, wash basin and a bath or shower;

E

EFFLUENT is the reclaimed liquid, suitable for reuse in accordance with the Municipal Wastewater Regulation 87/2012, or as amended, resulting from the treatment process in a *wastewater treatment facility*;

EFFLUENT GROUND DISPERSAL AREA is the use of land, *buildings* and structures to discharge *effluent* to the ground at a specially prepared receiving sand mound or seepage bed area which has been approved for such use by the jurisdiction having authority; and which does not include a *community reclaimed water irrigation system*;

F

FAMILY is:

- (a) One or more persons related by blood, marriage, adoption or foster parenthood; or
- (b) Not more than 5 unrelated persons;

(c) a combination of (a) and (b), provided that the combined total does not include more than three unrelated persons all living together in one *dwelling unit* using common facilities;

FARMING namely, cultivating land, or using land for *agriculture*, horticultural, poultry-raising, stock-raising, dairying, fur-farming, veterinary clinics, and beekeeping purposes, or any or all of them;

FENCE means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land and specifically excludes retaining structures and landscape retaining structures;

FINISHED GROUND ELEVATION means either a natural or altered ground level but shall not include areas artificially raised through the use of retaining structures unless the retaining structure provides a level ground area that is a minimum of 1.2 m wide measured from the face of the building; or earth piled against the building with a slope greater than 2:1 (horizontal to vertical);

FLOOD PROOFING PROTECTION means the installation of improvements, provided they are upland of the current *natural boundary*, that are specifically designed to prevent damage to existing natural earthen banks caused by the erosive effects of water and wave action by armouring the soil surface through the use of geotextile materials and some combination of rip-rap or other protective surfacing materials. *Retaining Structures* and *Landscape Retaining Structures* are not included under this definition

FLOOR AREA is the total area of all floors in a *building* measured to the outside face of exterior walls. Where the context requires it, *floor area* is the total area of all floors in a portion of a *building* for a particular *use*, measured to the outside face of the walls of the area of the *use*. *Floor area* does not include balconies, elevator shafts and areas used for *building* ventilation machinery;

FUEL STORAGE is the *use* of land, *buildings* and structures wherein fuel is stored or kept for sale or distribution.

G

GENERAL STORE meaning establishments primarily engaged in retail dealing in a general line of merchandise on a non-departmental basis, with no single commodity line other than food representing more than fifty percent of total revenue and with food representing not more than sixty percent of total revenue;

H

HABITATION means the support of life processes within a *building*, including, but not limited to, sleeping, eating, food preparation, waste elimination, personal cleaning, and rest and relaxation areas.

HEIGHT is the vertical distance between the highest point of a *building* or structure and the lowest point of a *building* or structure where *finished ground elevation* and the *building* meet, excluding localized depressions such as vehicle and pedestrian entrances to a maximum width of 6 m.

HELICOPTER OPERATION means a commercial operation in which an area of land is used for the arrival and departure, movement or servicing of commercial helicopters and may include

accommodation for the owner/operator and his family or up to 5 unrelated persons associated with the commercial helicopter operations.

HIGHWAY includes a street, road, lane, bridge or viaduct and any other way open to the *use* of the public, but does not include a private right of way on private property;

HOME OCCUPATION is any occupation, profession or craft where such occupation, profession or craft is undertaken ancillary to the principal residential use and which does not alter the residential character of the premises and the character of the residential or rural district where the premises are situated;

K

KITCHEN means facilities used or designed to be used for the cooking or preparation of food;

L

LANDSCAPE RETAINING STRUCTURE means a specific type of *retaining structure*, the *use* or intended *use* of which is to hold back and resist, stabilize or support less than 1.2 m of retained material, such as an earthen bank;

LANDSCAPED AREA means that portion of a *parcel* that is required to be surfaced with either soft or hard landscaping;

LOADING STALL means an off-street area to accommodate a vehicle while being loaded or unloaded;

N

NATURAL BOUNDARY is the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

O

OFFICE is the *use* of land, *buildings* and structures for the purpose of carrying out a business or professional activities but does not include retail sales, industrial *uses*, public assembly, or *personal service use*;

P

PARCEL is a lot, block or other area in which land is held or into which land is subdivided but does not include a *highway*;

PARCEL BOUNDARY, EXTERIOR SIDE is a *parcel boundary* other than a *front parcel boundary* or a *rear parcel boundary*, and is common to the *parcel* and a *highway* including a lane or a walkway;

PARCEL BOUNDARY, FRONT is the shortest *parcel boundary* common to a *parcel* and a *highway*, lane or a walkway;

PARCEL BOUNDARY, INTERIOR SIDE is a *parcel boundary* other than a *front parcel boundary* or a *rear parcel boundary* that is not common to a *highway*, lane or a walkway;

PARCEL BOUNDARY, REAR is the *parcel boundary* that lies the most opposite to and is not connected with the *front parcel boundary*; or where the rear portion of the *parcel* is bounded by intersecting side *parcel* boundaries, it is the point of this intersection;

PARCEL BOUNDARY means the legal boundary of a *parcel*;

PARCEL COVERAGE is the horizontal area within the drip line of the roof of a *building* on a *parcel* and includes carports, covered patios larger than 23m² and decks over 0.6 m above *finished ground elevation*, expressed as a percentage of the *parcel* area;

PERSONAL SERVICE is a *use* in a *building* which provides a service to the person including but not limited to hair dressing, esthetics, laundry, medical and dental practice, veterinarian office, lawyer, accountant, and other similar professional practices;

PARKING STALL is an off-street space for the parking of one motor vehicle exclusive of parking area circulation ways, driveways, ramps or obstructions;

PRINCIPAL BUILDING is the main *building* on a *parcel* and that contains or is most directly related to the *principal use*;

PRINCIPAL USE is the main purpose that land, *buildings* or structures on a *parcel* are ordinarily used;

PUB is the *use* of land, *buildings*, and structures for an establishment licensed by the Liquor Control Act, and which primarily serves alcoholic beverages and may also include the sale of meals;

R

RECREATIONAL VEHICLE is a vehicular-type of portable structure, without permanent foundation, that can be towed, hauled or driven and that is primarily designed for *use* as *temporary* living accommodation for the purposes of recreation, camping and travel, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes but not including a *park model*;

RENTAL SHOP is the *use* of land, *buildings* and structures for the rental and sale of tools, equipment, party supplies, bicycles, scooters, mopeds, and other merchandise but not including automobiles, motorcycles, *park models*, *recreational vehicles*, construction vehicles, farm machinery, boats, *personal water craft* or *manufactured homes*;

RESTAURANT is the *use* of land, *buildings* and structures for the preparation and serving of prepared, ready to eat food, to people primarily seated at tables. *Restaurant* includes a cafe, drive-in restaurant, and takeout restaurant, and includes drive-through service ;

RETAIL STORE is the *use* of land, *buildings* and structures for the retailing and display of merchandise inside a *building* and may include services that are customarily incidental to,

subordinate to and exclusively devoted to the *principal use*, but does not include a *restaurant*, or motor vehicle facility of any kind, or *service station*;

RETAINING STRUCTURE means a specific type of structure that is subject to lateral earth pressure, is laterally unsupported at the top and retains more than 1.2 m of soil material at any point along its length, measured as the difference between the finished ground elevation at the top and bottom of the structure, and specifically excludes Landscape Retaining Structures and Retaining Structures which are part of and connected structurally to a Building;

S

SCREEN is a visual barrier consisting of a continuous opaque *fence*, wall, compact evergreen hedge, landscaped and vegetated berm or combination thereof;

SECONDARY USE is a *use* which is permitted only in conjunction with an existing *principal use*;

SEASONAL means less than one hundred eight-two days per calendar year;

SERVICE STATION is the *use* of land, *buildings* and structures for the retailing of motor fuels or minor repairs and servicing of vehicles but does not include major repairs, auto body repairs or painting, or the wrecking of vehicles;

SETBACK is the required minimum distance between any portion of a structure, *building* or use and each of the respective property lines;

SITE TRIANGLE means the area formed by a triangle in the angle formed by the right of way boundaries or boundaries produced and 2 points on those boundaries 6 m from the point of intersection;

T

TEMPORARY means less than four (4) consecutive weeks;

TOURIST LODGING means the *use* of land, *buildings* and structures to provide *temporary* accommodation within a *building* or a group of *buildings*;

TRUCK STOPS meaning establishments primarily engaged in providing services to trucks and truckers, and capable of accommodating vehicles employing a 25 m (outside dimension) turning radius from points of access approved under the Highway Act; the services to be provided shall include the sale of gasoline and diesel fuel and the provision of toilets, washbasins and ancillary equipment; the services provided may include the sale of other fuels, lubricants, and the like, the servicing and incidental repair of vehicles, the incidental sale of food, the serving of prepared food, the provision of showers and like services, or the incidental provision of overnight accommodation;

U

USE is the use that land, *buildings* and structures are put to, and if not in use, then the use they are designed or intended to be put to;

V

VACATION RENTALS is the *use* of a *dwelling unit* for *temporary* accommodation on a commercial basis;

VEHICLE REPAIR is the *use* of land, *buildings* and structures for the repair of automobiles, boats or other vehicles but does not include the dismantling, storage or sale of vehicles, or vehicle parts;

W

WASTEWATER TREATMENT FACILITY is the *use* of land, *buildings* and structures that gathers, stores, and treats wastewater and liquid waste and discharges *effluent* and which has been approved to operate by the jurisdiction having authority.

WATER BODY is a natural depression, including a lake, pond, swamp or wetland, containing water on the average at least 6 months of the year but does not include a *watercourse*;

WATERCOURSE is a natural depression with banks and a bed of 0.6 m (1.97 ft.) or more below the surrounding land and 1 of the following, a) serving to give direction to a current of water for at least 6 months of the year, b) having a drainage area of 2 km² (494 ac.) or more, c) an area designated as a *watercourse* by the Province, and includes lake, pond, river, stream, creek, spring, ravine, swamp, and wetland."

- e. Division (6) – Penalty Section 6.01 is deleted in its entirety.

2. MAP AMENDMENT

- a. "Highway Planning Area No. 1", is hereby further amended by:
 - i. inserting the attached Schedule A (Overview Zoning Map); and
 - ii. inserting the attached Schedule B (Zoning Maps).

2. This bylaw may be cited as "Highway Planning Area No. 1 Amendment (Donald Development Corporation) Bylaw No. 649-1."

READ a first time this 17 day of August, 2017.

READ a second time, as amended, this day of , 2018.

PUBLIC HEARING held this day of , 2018.

READ a third time this day of , 2018.

RECEIVED THE APPROVAL of the Ministry of Transportation and Infrastructure this day of 2018.

ADOPTED this day of , 2018.

MANAGER OF CORPORATE
ADMINISTRATION SERVICES (SECRETARY)

CHAIR

CERTIFIED a true copy of Bylaw
No. 649-1 as read a third time.

CERTIFIED a true copy of Bylaw
No. 649-1 as adopted.

Manager of Corporate
Administration Services (Secretary)

Manager of Corporate
Administration Services (Secretary)